

FIRST REGULAR SESSION

# HOUSE BILL NO. 139

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HOSMER.

Pre-filed December 14, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0243L.01I

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### AN ACT

To repeal section 482.330, RSMo 2000, relating to small claims court, and to enact in lieu thereof one new section relating to the same subject.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 482.330, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 482.330, to read as follows:

482.330. 1. No claim may be filed or prosecuted in small claims court by a party who:

(1) Is an assignee of the claim; or

(2) Has filed more than eight other claims in the Missouri small claims courts during the current calendar year. If the court finds that a party has filed one more claim than is permitted by this section, the court may dismiss the petition with prejudice. If the court finds that a party has filed two more claims than is permitted by this section, the court shall dismiss with prejudice.

2. At the time of filing an action in small claims court, a plaintiff shall sign a statement that he is not the assignee of the claim sued on and that he has not filed more than ten other claims in the Missouri small claims courts during the current calendar year.

3. Nothing in this section shall prohibit the filing or prosecution of a counterclaim growing out of the same transaction or occurrence.

4. [No claim may be filed in a small claims court unless:

(1) At least one defendant is a resident of the county in which the court is located or at least one of the plaintiffs is a resident of the county in which the court is located and at least one defendant may be found in said county; or

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16           (2) The facts giving rise to the cause of action took place within the county in which the  
17 court is located.] **Venue in small claims court shall be pursuant to section 508.010, RSMo.**